



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,498	11/15/2001	J.M. Jack Gin		7206

7590

07/27/2005

Paul D. Gornall
Barrister & Solicitor; Reg'd Patent & TM Agent
1820-355 Burrard St.
Vancouver, BC V6C 2G8
CANADA

EXAMINER

LEE, RICHARD J

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,498

Applicant(s)

GIN, J.M. JACK

Examiner

Richard Lee

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005 and 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

✓

Art Unit: 2613

1. Claims 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 is rejected for the same reasons as set forth in paragraph (6), item (8) of the last Office Action (See Paper no. 3) since the applicant had fail to address this issue. Specifically, at claim 18, line 13, "the components" shows no clear antecedent basis.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Schofield et al of record (US 2002/0003571 A1).

Schofield et al discloses a video mirror systems incorporation an accessory module as shown in Figures 10, 31, 41A, 41B, 59A, 59B, 78, and 116-119, and the same dual camera surveillance and control system as claimed in claims 1-4 and 6-8, comprising the same color camera (i.e., color sensor of Figure 78 and see pages 43-44, section [0376]) for observation under bright daytime conditions, wherein the color camera has a lens optimized for color with infrared filtering; a monochrome camera (see monochrome sensor of Figure 78, and see pages 43-44, section [0376]) for observation under infrared illumination for dark nighttime conditions, wherein the monochrome camera has a lens optimized for monochrome viewing and is supercharged for infrared sensitivity; an infrared illuminator (see pages 43-44, section [0376],

Art Unit: 2613

pages 47-48, section [0388]); a control module for selection of color or monochrome camera operation and of infrared illumination, depending on ambient light conditions (see pages 43-44, section [0376]); the color camera and the monochrome camera each has an independent lens having a separate variable focal control via the control module (see page 19, section [0265], pages 48-49, section [0391]), providing a switch of mode from daylight to infrared night light operation without a focal shift (see pages 43-44, section [0376]); an auto iris control board that independently controls an iris in each independent lens (see pages 14-16, section [0247] and page 36, section [0328]); and in which a video output signal is switched from mono to color depending on the ambient light levels (see pages 43-44, section [0376]).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al as applied to claims 1-4 and 6-8 in the above paragraph (3), and further in view of Wang et al of record (5,816,151).

Schofield et al discloses substantially the same dual camera surveillance and control system as above, but does not particularly disclose in which the infrared illuminator gives illumination in the range of from 805 to 995 nanometers of electromagnetic radiation as claimed in claims 5 and 9. However, Wang et al discloses a device for the alignment of images as shown in Figure 2, and teaches the conventional wavelengths of electromagnetic waves in the infrared region to be equal to or greater than 800 nm. Therefore, it would have been obvious to one of

Art Unit: 2613

ordinary skill in the art, having the Schofield et al and Wang et al references in front of him/her and the general knowledge of infrared illuminations, would have had no difficulty in using the teachings of Wang et al involving the infrared wavelength region to be equal to or greater than 800 nanometers to provide the illumination range of from 805 to 995 nanometers of electromagnetic radiation for the infrared illuminator of Schofield et al for the same well known viewing of infrared images in the desired illumination ranges purposes as claimed.

6. Claims 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al as applied to claims 1-4 and 6-8 in the above paragraph (3), and further in view of Carter of record (5,563,579).

Schofield et al discloses substantially the same dual camera surveillance and control system as above, further including a power system having a battery, an energy management module, and an ambient energy charger for the battery (see page 37, section [0331], pages 43-44, section [0376], pages 77-78, sections [0551 to 0554]); a wireless transmitter for transmission of video to a base (see page 15, column 2, page 28, section [0309], pages 31-33, sections [0316 and 0317]); in which the energy management module comprises a day/night sensor (see page 43-44, section [0376] and a power select switch (i.e., when switching from the monochrome and color cameras, see pages 43-44, section [0376]) and in which the ambient energy charger is a solar panel that converts solar energy to electrical energy battery (see page 37, section [0331], pages 43-44, section [0376], pages 77-78, sections [0551 to 0554]); and a communications board to intelligently capture desired relevant video at a remote location for transmission to another location (see page 15, column 2, page 28, section [0309], pages 31-33, sections [0316 and 0317]).

Schofield et al does not particularly disclose, though a low power detection module as claimed in claim 10. The particular use of low power detection modules for the identification of the power level is however old and well recognized in the art, as exemplified by Carter (see 76 of Figure 9, low battery detection circuit of Figure 11, column 9, lines 22-39, column 10, lines 6-31). Therefore, it would have been obvious to one of ordinary skill in the art, having the Schofield et al and Carter references in front of him/her and the general knowledge of low power detections with associated systems, would have had no difficulty in providing the low power detector of Carter within the dual camera surveillance system of Schofield et al for the same well known identification of low power level situations for the camera and associated systems so that the operator may be adequately warned purposes as claimed.

7. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al and Carter as applied to claims 1-4, 6-8, 10, 12, and 13 in the above paragraphs (3) and (6), and further in view of Courtney of record (6,385,772).

The combination of Schofield et al and Carter discloses substantially the same dual camera surveillance and control system as above, but does not particularly disclose a wireless receiver for receiving instructions for the dual camera surveillance and control system from the base and an internet protocol module by which users control the surveillance camera at a remote location over the internet as claimed in claims 11 and 14. It is to be noted that Schofield et al does teach the particular use of an internet connection between the driver of a vehicle and the home thereby viewing an image of the crib at home on a vehicular video screen (see page 15, column 2), but Schofield et al does not particularly disclose an internet protocol module by which users can control the surveillance camera at a remote location over the internet as claimed.

Art Unit: 2613

However, Courtney discloses a monitoring system having wireless remote viewing and control as shown in Figure 1, and teaches the conventional internet protocol module (i.e., 38 of Figure 1) in which a user has the capability of controlling cameras at a remote location over the internet and a wireless receiver for receiving instructions for the system from the base (see column 4, lines 1-13, lines 35-45, column 5, line 45 to column 6, line 53). Therefore, it would have been obvious to one of ordinary skill in the art, having the Schofield et al, Carter, and Courtney references in front of him/her and the general knowledge of remote camera control operations, would have had no difficulty in providing the internet protocol module in which a user has the capability of controlling cameras at a remote location over the internet and a wireless receiver for receiving instructions for the system from the base as taught by Courtney as part of the dual camera surveillance system of Schofield et al for the same well known control of the cameras from a remote location purposes as claimed.

8. Claim 15 is under 35 U.S.C. 103(a) as being unpatentable over Schofield et al and Carter as applied to claims 1-4, 6-8, 10, 12, and 13 in the above paragraphs (3) and (6), and further in view of Monroe of record (6,545,601).

The combination of Schofield et al and Carter discloses substantially the same dual camera surveillance and control system as above, but does not particularly disclose a satellite based video data transfer module as claimed in claim 15. Satellite based video communications are however old and well recognized in the art, as exemplified by Monroe (see column 13, line 54 to column 14, line 8). Therefore, it would have been obvious to one of ordinary skill in the art, having the Schofield et al, Carter, and Monroe references in front of him/her and the general knowledge of wireless video communications, would have had no difficulty in providing the

Art Unit: 2613

satellite based video data transfer module as taught by Monroe for the dual camera surveillance system of Schofield et al for the same well known video transmission via satellite purposes as claimed.

9. Claim 16 is under 35 U.S.C. 103(a) as being unpatentable over Schofield et al and Carter as applied to claims 1-4, 6-8, 10, 12, and 13 in the above paragraphs (3) and (6), and further in view of Barker of record (5,184,215).

The combination of Schofield et al and Carter discloses substantially the same dual camera surveillance and control system as above, but does not particularly disclose a housing that is weather-tight as claimed in claim 16. The particular use of weather tight housings in general is however old and well recognized in the art, as exemplified by Barker (see column 3, lines 17-45). Therefore, it would have been obvious to one of ordinary skill in the art, having the Schofield et al, Carter, and Barker references in front of him/her and the general knowledge of the protection of housings in the outdoor environment, would have had no difficulty in providing the weather tight housing structure as taught by Barker for the components within the dual camera surveillance system of Schofield et al for the same well known protection of equipment within a housing from inclement weather conditions purposes as claimed.

Art Unit: 2613

10. Claim 17 is under 35 U.S.C. 103(a) as being unpatentable over Schofield et al, Carter, Monroe as applied to claims 1-4, 6-8, 10, 12, and 13 in the above paragraphs (3), (6), and (8), and further in view of Barker of record (5,184,215) and Courtney of record (6,385,772).

The combination of Schofield et al, Carter, and Monroe discloses substantially the same dual camera surveillance and control system as above, but does not particularly disclose the followings:

(a) an internet protocol module by which users can control the surveillance camera at a remote location as claimed in claim 17; and

(b) a housing that is weather tight as claimed in claim 17.

Regarding (a), it is to be noted that Schofield et al does teach the particular use of an internet connection between the driver of a vehicle and the home thereby viewing an image of the crib at home on a vehicular video screen (see page 15, column 2), but Schofield et al does not particularly disclose an internet protocol module by which users can control the surveillance camera at a remote location over the internet as claimed. However, Courtney discloses a monitoring system having wireless remote viewing and control as shown in Figure 1, and teaches the conventional internet protocol module (i.e., 38 of Figure 1) in which a user has the capability of controlling cameras at a remote location over the internet (see column 4, lines 1-13, lines 35-45, column 5, line 45 to column 6, line 53). Therefore, it would have been obvious to one of ordinary skill in the art, having the Schofield et al, Carter, Monroe, and Courtney references in front of him/her and the general knowledge of remote camera control operations, would have had no difficulty in providing the internet protocol module in which a user has the capability of controlling cameras at a remote location over the internet as taught by Courtney as part of the

Art Unit: 2613

dual camera surveillance system of Schofield et al for the same well known control of the cameras from a remote location purposes as claimed.

Regarding (b), the particular use of weather tight housings in general is however old and well recognized in the art, as exemplified by Barker (see column 3, lines 17-45). Therefore, it would have been obvious to one of ordinary skill in the art, having the Schofield et al, Carter, Monroe, and Barker references in front of him/her and the general knowledge of the protection of housings in the outdoor environment, would have had no difficulty in providing the weather tight housing structure as taught by Barker for the components within the dual camera surveillance system of Schofield et al for the same well known protection of equipment within a housing from inclement weather conditions purposes as claimed.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al and Wang et al as applied to claims 1-9 in the above paragraphs (3) and (5), and further in view of Courtney of record (6,385,772), Barker of record (5,184,215), and Monroe of record (6,545,601).

The combination of Schofield et al and Wang et al discloses substantially the same dual camera surveillance and control system as above, further including a power system having a battery, an energy management module, and an ambient energy charger for the battery (see page 37, section [0331], pages 43-44, section [0376], pages 77-78, sections [0551 to 0554] of Schofield et al); a communications board to intelligently capture desired relevant video data at a remote location for transmission to another location (see page 15, column 2, page 28, section [0309], pages 31-33, sections [0316 and 0317] of Schofield et al)

The combination of Schofield et al and Wang et al does not particularly disclose the followings:

- (a) a wireless transceiver for receiving instructions for the dual camera surveillance and control system from the base and an internet protocol module by which users control the surveillance camera at a remote location as claimed in claim 18;
- (b) a satellite based video data transfer module as claimed in claim 18; and
- (c) a housing for the components that is weather tight as claimed in claim 18.

Regarding (a), it is to be noted that Schofield et al does teach the particular use of an internet connection between the driver of a vehicle and the home thereby viewing an image of the crib at home on a vehicular video screen (see page 15, column 2), but Schofield et al does not particularly disclose an internet protocol module by which users can control the surveillance camera at a remote location over the internet as claimed. However, Courtney discloses a monitoring system having wireless remote viewing and control as shown in Figure 1, and teaches the conventional internet protocol module (i.e., 38 of Figure 1) in which a user has the capability of controlling cameras at a remote location over the internet and a wireless transceiver for receiving instructions for the system from the base (see column 4, lines 1-13, lines 35-45, column 5, line 45 to column 6, line 53). Therefore, it would have been obvious to one of ordinary skill in the art, having the Schofield et al, Wang et al, and Courtney references in front of him/her and the general knowledge of remote camera control operations, would have had no difficulty in providing the internet protocol module in which a user has the capability of controlling cameras at a remote location over the internet and a wireless receiver for receiving instructions for the system from the base as taught by Courtney as part of the dual camera

Art Unit: 2613

surveillance system of Schofield et al for the same well known control of the cameras from a remote location purposes as claimed.

Regarding (b), satellite based video communications are however old and well recognized in the art, as exemplified by Monroe (see column 13, line 54 to column 14, line 8). Therefore, it would have been obvious to one of ordinary skill in the art, having the Schofield et al, Wang et al, and Monroe references in front of him/her and the general knowledge of wireless video communications, would have had no difficulty in providing the satellite based video data transfer module as taught by Monroe for the dual camera surveillance system of Schofield et al for the same well known video transmission via satellite purposes as claimed.

Regarding (c), the particular use of weather tight housings in general is however old and well recognized in the art, as exemplified by Barker (see column 3, lines 17-45). Therefore, it would have been obvious to one of ordinary skill in the art, having the Schofield et al, Wang et al, and Barker references in front of him/her and the general knowledge of the protection of housings in the outdoor environment, would have had no difficulty in providing the weather tight housing structure as taught by Barker for the components within the dual camera surveillance system of Schofield et al for the same well known protection of equipment within a housing from inclement weather conditions purposes as claimed.

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al and Carter as applied to claims 1-4, 6-8, 10, 12, and 13 in the above paragraphs (3) and (6), and further in view of Loyd et al of record (6,624,845) and Barker of record (5,184,215).

The combination of Schofield et al and Carter discloses substantially the same dual camera surveillance and control system as above, but does not particularly disclose a housing

Art Unit: 2613

that is weathertight, substantially spherical dome having flat windows, the color camera and the mono camera mounted on a central axis within the sphere to allow pan and tilt rotation in full 360 degree rotation on two axes as claimed in claim 19. However, Loyd discloses an apparatus within a street lamp for remote surveillance as shown in Figures 1-5, and teaches the conventional housing that is substantially spherical dome having flat windows (see Figures 1-3 and column 1, line 50 to column 2, line 28) and cameras being mounted on a central axis within the sphere to allow pan and tilt rotation in full 360 degree rotation on two axes (see Abstract). It is noted that Loyd is silent as to whether the housing is a weather tight structure. Barker nevertheless teaches such desire to provide housings with a weather tight protection (see column 3, lines 17-45). Therefore, it would have been obvious to one of ordinary skill in the art, having the Schofield et al, Carter, Loyd, and Barker references in front of him/her and the general knowledge of camera structures and features, would have had no difficulty in providing the weather tight housing features with a substantially spherical dome having flat windows and camera pan and tilt rotation in full 360 degree rotation on two axes as taught by Barker and Loyd as part of the color and mono cameras of Schofield et al for the same well known protection and manipulation of cameras for obtaining a wide field of images purposes as claimed.

13. Regarding the applicant's arguments at page 2 of the amendment filed January 21, 2005 concerning claim 6 and in general that Schofield describes commonplace auto-focussing of a lens in his paragraphs but not disclose switching without a focal shift, the Examiner respectfully disagrees. The applicant's attention is directed to section [0376] of Schofield wherein it is taught that the switchover from the daytime color camera to the nighttime BJW camera can be manually by user or automatically in response to a photo sensor detecting the onset of dusk. It is clear

Art Unit: 2613

from this passage that the automatic switch from the daylight to infrared night light operation is performed regardless of the focal control of the respective lens system of the daylight and nighttime cameras. In fact, the response for such switching is based on a photo sensor. It is therefore submitted that Schofield et al provides the same switching of a mode from daylight to infrared night light operation without a focal shift as claimed.

The applicant argued at page 2 of the amendment filed January 21, 2005 concerning claim 7, and in general that Schofield's paragraphs 0247 and 0328 do not disclose an auto iris control board that independently controls an iris in each independent lens, and that Schofield merely points out that any camera in his rear-view system can have an iris that is user-adjustable. It is submitted that Schofield teaches that the iris may be controlled either by motorized adjustment or automatically (see sections [0247] and [0328]) within any camera system of Schofield et al. Therefore, the iris control is provided within the color camera and monochrome camera of Figure 78 of Schofield et al. As such, it is further submitted that Schofield et al clearly teaches an auto iris control board that independently controls an iris in each independent lens, thereby anticipating the claimed invention.

The applicant argued at pages 2-3 of the amendment filed January 21, 2005 concerning claim 8 and specifically that Schofield merely discloses switching from a color camera to a mono camera but there is no mention of video output signal switching. The applicant's attention is directed to section [0376] of Schofield et al for the particular teachings of the use of color video displays and monochrome displays in connection with the switchover operation from daytime color camera to nighttime B/W monochrome color and vice versa. Therefore, when switching

Art Unit: 2613

from mono to color cameras within Schofield et al, the video output signal is automatically and switched.

The applicant argued at page 3 of the amendment filed January 21, 2005 concerning claim 4 and specifically that Schofield nowhere describes the monochrome camera as being supercharged for infrared sensitivity. The applicant's attention is directed to sections [0261] and [0376] of Schofield et al for the particular teachings involving the use of infrared illumination technologies with monochrome cameras for producing nighttime images. And it is submitted that such teachings anticipates the particular features of supercharging the monochrome camera for infrared sensitivity as claimed.

Regarding the applicant's arguments at page 3 of the amendment filed January 21, 2005 concerning claims 1-3, and in general that Schofield does not disclose a discrete dual camera surveillance and control system for general remote surveillance, but rather discloses a number of the components of the present invention for use embedded in a rear-view system in vehicles, the Examiner respectfully disagrees. It is submitted that Figure 78 of Schofield provides the same dual camera surveillance and control system as claimed (see also above paragraph (3)).

The applicant makes a comment on page 3 of the amendment filed January 21, 2005 that the Schofield application was not published until after the application was made for the present invention and argued that the patent being for a rear view vehicular system is not in an area that would motivate the present applicant/inventor to modify the reference, nor is there a suggestion in the knowledge generally available in the field of surveillance, to combine vehicle rear-view mirror technology with general remote camera surveillance. The Examiner wants to point out that though the publication date of the Schofield et al reference is after the filing of the present

Art Unit: 2613

application, the effective date of the Schofield et al reference for rejection purposes is at least February 26, 2001, which is the filing date of the Schofield et al reference and which is before the filing date of the present application. The Examiner respectfully disagrees with the applicant's arguments that there is no motivation to use/modify the applied Schofield reference. Both the present invention and Schofield et al are interested in the camera surveillance field, and it is submitted for reasons above that Schofield et al anticipates most of the claimed features and renders obvious the other claimed features in combination with the applied references.

The applicant argued at pages 3-6 of the amendment filed January 21, 2005 concerning in general that the motivation to combine the references is not suggestive since the field of surveillance cameras would not consult the inventions with the applied patents which are classified in areas such as 101/171, 34/539.17, 340/521, 348/159, the Examiner wants to point out that though the applied references may be derived from different classes, the critical issue at hand is that the section 103 rejection based on these references is proper and the motivation to combine is clearly set forth in the above.


The applicant makes a remark at page 6 of the amendment filed January 21, 2005 that the Loyd disclosure is more recent than the current application in November 2001 even if the effect date for Loyd goes back beyond its actual publication in September 2003 to a deemed date as of its filing in April 2002. It seems that the applicant is trying to point out that the Loyd reference is not an applicable prior art. The Examiner wants to point out that the effective date actually goes back to at least March 1999 since Loyd has a continuation application 09/265,462, and it is submitted that the effective date of March 1999 for rejection purposes clearly is before the filing date of November 2001 for the present application.

Art Unit: 2613

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

7/22/05

